

Order

Michigan Supreme Court
Lansing, Michigan

April 28, 2011

Robert P. Young, Jr.,
Chief Justice

142286

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142286
COA: 300111
Saginaw CC: 06-028365-FH

CHRISTOPHER MORRIS MANNING,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 22, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Saginaw Circuit Court. The trial court articulated a substantial and compelling reason for departing from the guidelines when imposing a sentence following a probation violation, but it failed to articulate any rationale to justify imposition of a minimum sentence that was 71 months above the sentencing guidelines maximum of nine months. *People v Smith*, 482 Mich 292 (2008). On remand, the trial court shall either issue an order that articulates why this level of departure is warranted, or resentence the defendant. In all other respects, leave to appeal is DENIED because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 28, 2011

Corbin R. Davis

Clerk